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**BEFORE THE  
FEDERAL ELECTION COMMISSION**

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American Democracy Legal Fund  
455 Massachusetts Avenue, NW  
Washington, DC 20001

OFFICE OF GENERAL  
COUNSEL

MUR 7100 Suppl. A

Complainant,

v.

Mr. Donald Trump  
725 Fifth Avenue  
New York, New York 10022

Donald J. Trump for President, Inc., and Timothy Jost, Treasurer  
725 Fifth Avenue  
New York, New York 10022

Respondents.

**COMPLAINT**

This complaint is filed under 52 U.S.C. § 30109(a)(1) against Mr. Donald Trump, Donald J. Trump for President, Inc. (the "Committee"), and Timothy Jost, in his official capacity as Treasurer, (collectively "Respondents") for violating the Federal Election Campaign Act of 1971, as amended (the "Act") and Federal Election Commission (the "Commission") regulations, as described below. Publicly available reports suggest that Mr. Trump is overcharging his presidential campaign committee for events held on his own properties and thus using the funds from his presidential campaign to further his business interests in clear violation of 52 U.S.C. § 30114(a)(1).

## FACTS

Mr. Trump is the current Republican nominee for President.<sup>1</sup> His campaign committee is Donald J. Trump for President Inc.. Mr. Trump is also the chairman and president of the Trump Organization,<sup>2</sup> a privately owned international company that is engaged in real estate development, brand licensing, and entertainment.<sup>3</sup> In the past, Mr. Trump has stated that, "It's very possible that I could be the first presidential candidate to run and make money on it,"<sup>4</sup> and publicly available reports show that he is using his best efforts to make this a reality.

In fact, Mr. Trump appears to have used his presidential campaign to support his personal business, specifically by charging his principal campaign committee, Donald J. Trump for President, Inc., more than 25 times the amount others are charged for using his properties.<sup>5</sup> Mr. Trump has engaged in the personal use of his campaign's funds in violation of the Act and its regulations.

According to multiple news reports, Mr. Trump has been overcharging his own campaign for fundraising events held on his own property.<sup>6</sup> On March 25, 2014, Mr. Trump charged the Florida Republican Party \$4,855.65 to use his Mar-a-Lago Club for a fundraiser for Pam Bondi's reelection campaign.<sup>7</sup> Meanwhile, "Trump has charged his own presidential campaign around

<sup>1</sup> FEC Statement of Candidacy (filed Jun. 22, 2015).

<sup>2</sup> *Donald J. Trump Biography*, Trump.com, <http://www.trump.com/biography/> (last visited Sep. 12, 2016).

<sup>3</sup> *Company Overview of the Trump Organization LLC*, Bloomberg, <http://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=344985> (last visited Sep. 12, 2016).

<sup>4</sup> Jerry Useem & Theodore Spencer, *What Does Donald Trump Really Want?*, *Fortune* (Apr. 3, 2000), [http://archive.fortune.com/magazines/fortune/fortune\\_archive/2000/04/03/277110/index.htm](http://archive.fortune.com/magazines/fortune/fortune_archive/2000/04/03/277110/index.htm).

<sup>5</sup> Gabrielle Levy, *Trump Held Mar-a-Lago Fundraiser for Pam Bondi*, *US News & World Report* (Sep. 7, 2016), available at <http://www.usnews.com/news/articles/2016-09-07/trump-held-fundraiser-for-pam-bondi-at-mar-a-lago-club-in-florida>.

<sup>6</sup> *Id.*; Julie Bykowicz & Chad Day, *Trump's Campaign Spends \$6 Million with Trump Companies*, *Associated Press* (Jun. 21, 2016), <http://bigstory.ap.org/article/9f7412236962464f92c0a8d2696ba25/trumps-campaign-cycles-6-million-trump-companies>; S.V. Date, *Trump Living Large on Donor's Dime*, *Huffington Post* (Sep. 6, 2016), available at [http://www.huffingtonpost.com/entry/trump-rmc-self-dealing\\_us\\_57cdcba0e4b078581f13b262](http://www.huffingtonpost.com/entry/trump-rmc-self-dealing_us_57cdcba0e4b078581f13b262).

<sup>7</sup> *Id.*

\$140,000 each time it has used the resort.”<sup>8</sup> News reports indicate that Trump charged his campaign \$423,372 for use of the Mar-a-Lago Club for three campaign events in March of 2016: two parties on the first and fifteenth of the month, and a news conference on March 11.<sup>9</sup> This \$423,372 expenditure was confirmed and reported by Mr. Trump’s campaign committee in June of this year.<sup>10</sup>

## LEGAL DISCUSSION

Under the Act and Commission regulations, campaign contributions may only be used “in connection with the campaign for Federal office.”<sup>11</sup> The Act prohibits any campaign contribution or donation from being “converted by any person to personal use.”<sup>12</sup> In defining “personal use” Commission regulations include rental expenses “for real or personal property that is owned by the candidate . . . and used for campaign purposes, to the extent the payments exceed the fair market value of the property usage.”<sup>13</sup>

The Commission further clarified that “so long as the campaign pays fair market value, these payments will not be considered personal use” in violation of the law.<sup>14</sup> With regard to candidate-owned property, “fair market value” has been interpreted by the Commission to mean “the usual and normal” price.<sup>15</sup> The profit earned by Mr. Trump through the Mar-a-Lago Club is a clear violation of the Act’s personal-use rules.

<sup>8</sup> Levy, *supra* note 5; see also FEC, Donald J. Trump for President, Inc., Report of Receipts and Disbursements, at 1600 (filed Jun. 20, 2016), available at <http://docquery.fec.gov/pdf/514/201606209018595514/201606209018595514.pdf>.

<sup>9</sup> S.V. Date, *supra* note 6.

<sup>10</sup> June Report of Receipts and Disbursements, *supra* note 8, at 1600.

<sup>11</sup> 52 U.S.C. § 30114(a)(1).

<sup>12</sup> *Id.* § 30114(b)(1); 11 C.F.R. § 113.2(a).

<sup>13</sup> 11 C.F.R. § 113.1(g)(1)(i)(E)(2).

<sup>14</sup> 60 Fed. Reg. 7865 (Feb. 9, 1995).

<sup>15</sup> FEC Adv. Op. 2000-02 (Hubbard) (finding that “in the past, the Commission has generally permitted campaigns to rent property owned by a candidate or a family member for campaign use, so long as the campaign paid no more than the usual and normal rental.”).

News reports have set forth a multitude of facts establishing that Mr. Trump overcharged his own campaign to his own benefit, and such payments exceed the usual and normal price paid for using such property.<sup>16</sup> Mr. Trump has charged his own campaign significantly more money to use his properties for campaign events than he has charged others to use the same property for similar fundraising events.<sup>17</sup> Three campaign events were held at Mar-a-Lago Club for Mr. Trump's presidential campaign, and the campaign was charged \$423,372 to use the space for those three events; that is \$141,124 per event, one of which was merely a press conference.<sup>18</sup>

In comparison, the Florida Republican Party was charged a fraction of that to hold a similar fundraiser for a different political candidate; the Florida party paid only \$4,855.65 to use the same resort for a Pam Bondi fundraiser in 2014.<sup>19</sup> There is no justification for the extreme difference between the \$141,124 charged to his campaign and the \$4,855 charged to the Florida Republican Party.

At a minimum, such an extreme difference in price indicates that current charges to the Trump Campaign are in excess of the "usual and normal" price and thus constitute impermissible personal use of campaign funds. While Mr. Trump and his family are not precluded from receiving rental fees from the Committee for its use of their properties, the magnitude of the proportion of campaign funds spent to compensate Mr. Trump and his family calls for stricter scrutiny by the Commission of this practice, especially given the low cost of other similar campaign events at the same Trump-owned locations.

<sup>16</sup> See e.g., S.V. Date, *supra* note 6; Levy, *supra* note 5.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*; see also June Report of Receipts and Disbursements, *supra* note 8, at 1600.

<sup>19</sup> S.V. Date, *supra* note 6; Levy, *supra* note 5.

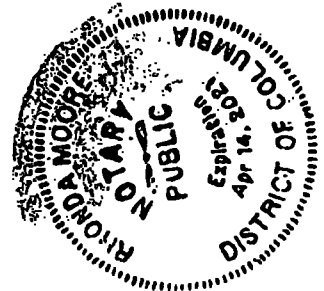
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**Sincerely,**

Paul W. Taylor

**SUBSCRIBED AND SWORN to before me this 19 day of September, 2016.**

Rhonda Moore

**My Commission Expires:**

4-14-2021